

al," which definition the word would bear in any case. The word "tribunal" is used throughout this Act everywhere in that sense in which it is first mentioned, that is, a tribunal created by this Act for the purpose of this Act. The Senate, in the definitions, has provided that the word "tribunal" shall be used in that sense. I think it would be understood in that sense in any case.

Sir WILFRID LAURIER: The definition is quite proper and I do not object to it. It is an improvement in the Act that we should know exactly what is meant by the word "tribunal." By this Act a special tribunal is created. I cannot, however, find the provisions as to the application of habeas corpus or the right of prerogative. Do they apply to this tribunal or not?

Sir ROBERT BORDEN: No. I think that was fully explained when the Bill went through the House. I do not think the amendment affects that particular point at all.

Mr. SINCLAIR: Permit me to point out to the Prime Minister that the word "conviction" does not seem to be the proper word. Would not "prosecution" be better? Would it not be possible under this provision to start a prosecution, to issue a warrant and to take certain proceedings against an offender prior to conviction, without securing the approval of the Attorney General? I think it would meet the case if we said that no prosecution shall be had.

Sir ROBERT BORDEN: I would hardly agree with my hon. friend. For this reason: it might be most important to apprehend an offender immediately, and that could not be done in some instances, if the local authorities had first to obtain the consent of the Minister of Justice. As I understand it, the word "conviction" is used purposely in order that an apprehension may not be interfered with, and so that, on the other hand, before a conviction can be obtained, the approval of the Attorney General shall be procured.

Sir WILFRID LAURIER: Which means that the defendant can say to the judge: "You cannot convict me because the suit has not been authorized."

Sir ROBERT BORDEN: No.

Sir WILFRID LAURIER: There can be no conviction unless the suit is authorized, and that is what the defendant could say when he was brought before a court.

[Sir Robert Borden.]

Sir ROBERT BORDEN: That is it precisely. Before there is a conviction there must be approval of the proceedings by the Attorney General of Canada.

Mr. OLIVER: This reminds me very strongly of the proceedings in the Macdonald election in Manitoba, where men were arrested without charge, and after being incarcerated for a period, were released without trial. Of all the remarkable provisions of this Act, I think this is the most remarkable.

Sir ROBERT BORDEN: I think this amendment was suggested from the other side of the House. I do not regard it as remarkable at all, and I do not see the slightest analogy to the proceedings to which my hon. friend alludes, of which I have no knowledge. It merely amounts to this: that proceedings can be commenced against an offender under this Act without the approval of any person, but before a conviction is obtained it is necessary that the matter should be submitted to the Attorney General in order that he may determine according to his best judgment whether the case is one in which the proceedings should be carried to conviction. I am pretty sure that the amendment was suggested by an hon. gentleman on the other side of the House, and I know the Minister of Justice promised at that time to give consideration to it, but it was overlooked before the Bill went through, and the amendment was made in the Senate.

Mr. OLIVER: If the suggestion came from this side of the House, may I ask if it was not in the form suggested by the hon. member for Guysborough (Mr. Sinclair)?

Sir ROBERT BORDEN: My hon. friend may be correct about that; I am not sure. But if the suggestion was made in that form, it seems to me that it would not lend any weight to the argument which my hon. friend has just made.

Mr. R. B. BENNETT: I had occasion once to look into a similar provision. I had not thought of the matter until I heard it discussed the other day, but the Supreme Court has held that it would be necessary for the Attorney General to sign that consent in person and not by deputy. It would certainly be putting a heavy burden on the Minister of Justice to require his personal consent. I had this question under consideration in setting aside several convictions that were made against an